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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/644,819	08/23/2000	Dorian Birsan	CA919990037US1	2470

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EXAMINER
LUDWIG, MATTHEW J

ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/644,819	BIRSAN ET AL.
	Examiner	Art Unit
	Matthew J. Ludwig	2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 September 2005*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: Appeal Brief filed 09/21/05.

2.   Claims 1-27 are pending in the application. Claims 1, 13, 18, and 23, are independent

claims.

3.   Claims 1-27 rejected under 35 U.S.C. 103(a) as being unpatentable over Raman have

been withdrawn as necessitated by applicant's argument.

Claim Rejections - 35 USC § 101

4.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
> any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

5.   The claimed invention is directed to non-statutory subject matter.

The claims are rejected under 35 U.S.C. 101 because the claimed invention is directed to

non-statutory subject matter. Claims 18-27 are drawn to functional descriptive material NOT

claimed as residing on a computer readable medium. MPEP 2106.IV.B.1(a) (Functional

Descriptive Material) states:

"Data structures not claimed as embodied in a computer-readable medium are descriptive

material per se and are not statutory because they are not capable of causing functional change in

the computer."

"Such claimed data structures do not define any structural or functional interrelationships

between the data structure and other claimed aspects of the invention which permit the data

structure's functionality to be realized."

In reference to claims 18-27, while defining a computer program product, do not define a

"computer-readable medium" and is thus non-statutory for that reasons. A program product can

range from paper on which the program is written, to a program simply contemplated and

memorized by a person. The examiner suggests amending the claim to embody the program on

"computer-readable medium" in order to make the claim statutory.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

7.   **Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raman,**

USPN 5,748,186 filed (10/2/95) in view of Batres Pat. App. Publication 2005/0102608 A1

filed (12/10/2004).

In reference to independent claim 1, Raman teaches:

The Public methods as well as the position methods provide a similar suggestion of

manipulating selected data. The source data taught by Raman provides a reasonable suggestion

of read-only data as the retrieved values allow the author detailed access to the document object

(compare to "*a template module including a directive to extract and manipulate selected data*

of a source data model comprising read-only data"). See column 6, lines 35-67.

Preferred methods which can operate during the rendering of a document, which

include public positional, location, navigational, marking event, browsing, rendering, and link

methods. Regarding the public methods, a slot is a location associated with a document object to

store a run time variable. The construct method creates a document object from a list element

(compare to "*a template processing module to process said direct command in said template

module*"). See column 6, lines 17-45. Because the claim limitations are to be given their broadest

reasonable interpretation within the scope of the art, the methods provided by Raman that

manipulate the DOM based on templates and rules provide the necessary suggestion of a similar

process as the limitations of the claim. Therefore, it would have been obvious to one of ordinary

skill in the art to utilize the software methods which can operate during the rendering of a

document to allow for similar treatment of the manipulation of elements within the document

object to create a marked-up document. Raman provides the generation of a description of a

source document. The elements are stored in the intermediate high-level data structure. The

recognizer uses a lex-based translator to generate a nested list representing the source document.

The nested list can be logically shown as a data structure in the form of a hierarchical attributed

tree. The tree includes a plurality of nested containers or nodes. Each node or container is known

as a document object. Document objects can represent links and forms. Navigational methods

associated with objects allow the user to browse through the text. See column 4, lines 45-67 &

column 5, lines 10-45. The Examiner believes Raman suggests the generation of a similar

document object model; however, the reference fails to explicitly state a document object model

tree for navigating said template file. Batres generates a DOM and utilizes said DOM for

enumerates through the DOM elements to determine whether the displayable DOM elements are

to be shown or hidden on the selected page. See Batres, page 6, [0061 through 0062]. It would

have been obvious to one of ordinary skill in the art, having the teachings of Raman and Batres

before him at the time the invention was made, to modify the utilization of the tree structure as

taught by Raman and include template data control methods of Batres because it would have

given Raman the added benefit of having a means of updating information to show new pages

within a plurality of presentation modalities.

In reference to dependent claim 3, Raman teaches:

Preferred methods which can operate during the rendering of a document include public,

positional, location, navigational, marking event, browsing, rendering, and link methods. These

methods provide a suggestion of components, which manipulate the document object and

navigate said elements within the document object. See column 6, lines 36-56.

In reference to dependent claim 3, Raman teaches:

The software methods taught by Raman provide methods for manipulating the

Document Object Model tree. See column 6, lines 17-67.

In reference to dependent claim 4, Raman teaches:

Preferred methods which can operate during the rendering of a document include public,

positional, location, navigational, marking event, browsing, rendering, and link methods. These

methods provide a suggestion of components, which manipulate the document object and

navigate said elements within the document object. See column 6, lines 36-56.

In reference to dependent claim 5, Raman teaches:

Because the claim limitations are to be given their broadest reasonable interpretation

within the scope of the art, the methods provided by Raman that manipulate the DOM based on

templates and rules provide the necessary suggestion of a similar process as the limitations of the

claim. Therefore, it would have been obvious to one of ordinary skill in the art to utilize the

software methods which can operate during the rendering of a document to allow for similar treatment of the manipulation of elements within the document object to create a marked-up document.

In reference to dependent claim 6, Raman teaches:

The data of a document object can include attributes which describe and type the underlying element of the parsed source document represented by the object. See column 5, lines 20-25. It is unclear to the Examiner what the Applicant is attempting to describe within the limitation of dependent claim 6. The claim states an application development program, said source data model, and said target data model, but fails to clearly state what it is the three separate models are supposed to perform.

In reference to dependent claim 7 and 8, Raman teaches,

Although this specific example of the preferred embodiment is described with reference to HTML, it should be understood that the invention could also be employed utilizing other mark-up conventions, such as the ISO standard general mark-up language SGML. See column 5, lines 50-60. The reference does not explicitly disclose XML, however, the extensible markup language is a derivative of SGML and provides a similar marked up document.

In reference to dependent claim 9 and 10, Raman teaches,

Although this specific example of the preferred embodiment is described with reference to HTML, it should be understood that the invention could also be employed utilizing other mark-up conventions, such as the ISO standard general mark-up language SGML. See column 5, lines 50-60. The reference does not explicitly disclose XML, however, the extensible markup language is a derivative of SGML and provides a similar marked up document.

In reference to dependent claim 11 and 12, Raman teaches,

Although this specific example of the preferred embodiment is described with reference

to HTML, it should be understood that the invention could also be employed utilizing other

mark-up conventions, such as the ISO standard general mark-up language SGML. See column 5,

lines 50-60. The reference does not explicitly disclose XML, however, the extensible markup

language is a derivative of SGML and provides a similar marked up document.

In reference to claims 13-17, the claims recite the methods for performing similar functions to

those of claims 1-5, respectively, and in further view of the following, are rejected under similar

rationale.

In reference to claims 18-27, the claims recite the system comprising computer readable

instructions used for performing the methods as claimed in claims 1-12, and in further view of

the following, are rejected under similar rationale.

Response to Arguments

8.   Applicant's arguments with respect to claims 1-27 have been considered but are moot in
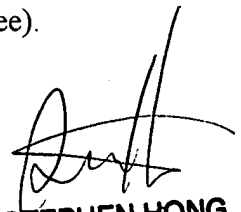
view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Ludwig whose telephone number is 571-272-4127. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML
December 11, 2005

STEPHEN HONG
SUPERVISORY PATENT EXAMINER